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COCOM DOCUMENT 3759

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CO-ORDINATING COMMITTEE

4403003

EXPORT OF KLYSTRONS TO EASTERN GERMANYMemorandum by the United Kingdom Delegation

1. The United Kingdom Delegation wish to refer to COCOM Document 3564, a United Kingdom memorandum which sought approval for the export of 10 Klystrons to service Radio Links KTR1000, previously supplied to the East German Television service. When this submission was discussed (COCOM Doc. 3602) the United Kingdom Delegation stated (paragraph 2) that:

"The original equipment was exported from the United Kingdom at the end of 1956 under the provisions of Administrative Principle No. 3 and there was therefore no contravention of COCOM regulations. This equipment was at the time on the embargo list. Since August, 1958, however, it had been possible to export this equipment under the provisions of Item 1520, which specifically excluded short range and low power links between a camera or studio and a television transmitter. There was thus no question of exporting embargoed equipment to service other embargoed equipment."

2. This statement was made in the belief that the seven KTR1000 links, for which the Klystrons were required, were used for the purpose specified at the time of export licensing in 1956, viz: "one hop" outside broadcast or studio - to - transmitter links of the sort excluded from embargo by the redefinition of Item 1520 adopted in 1958. However, the United Kingdom authorities have since discovered (as reported for the information of the Committee in COCOM Doc. 3758) that the East German Broadcasting authorities had these particular links installed for the Berlin-Schwerin television relay. The use of television links for "multi-hop" relays puts them, in the United Kingdom's view, clearly outside the 1958 exception from the embargo coverage of Item 1520.

3. The United Kingdom Delegation therefore wish to take this opportunity to apologise to the Committee for having, unwittingly, given incorrect information in relation to the servicing case for the ten Klystrons.

4. At the same time, the United Kingdom delegation find it necessary to put before the Committee another exceptions case for the export of a further quantity of Klystrons. This arises because the United Kingdom exporter who originally supplied the seven KTR1000 links undertook a servicing agreement to maintain the equipment in operation. Servicing agreements of this kind are quite normal where expensive equipment of this nature is involved and the United Kingdom exporter, in entering such a contract, did so in good faith and in the belief that there would be no difficulties in carrying it out. If the company were now to fall down on this contract not only would it seriously prejudice its commercial position but it might also face legal proceedings for

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breach of contract. In such an event, the United Kingdom authorities' position would be most embarrassing, since having in good faith authorised the export of the equipment originally exported, it would be very difficult to justify refusal of licences for spare parts required to maintain the equipment in working order. It might also be necessary for H.M. Government to consider its own legal position vis-a-vis the company.

5. Two types of Klystrons are involved, transmitter reflex type K345 (approximate value 274 dollars) and receiver type K57/85A (approximate value 85 dollars). Both have a rated life of about 500 hours continuous run (or six months operation if not used continuously) but individual Klystrons may fail after a much shorter time. The United Kingdom authorities consider that a reasonable working stock of spare Klystrons for the 7 links in question would be 12 of each type.

6. In the circumstances, H.M. Government seek the Committee's authority, on an ad hoc basis:-

- (i) to allow the export of sufficient spare Klystrons to East Germany to bring the number available there up to 12 each of transmitter and receiver Klystrons, taking into account the export of Klystrons previously authorised by the Committee (see COCOM Doc. 3602);
- (ii) to allow the export of replacement Klystrons as and when used and defective Klystrons are returned to the United Kingdom.

The United Kingdom authorities believe that these arrangements would meet the legitimate requirements for servicing the television link equipments in question and would, at the same time, make diversion to any military use most unlikely. As regards the proposal at (ii) of this paragraph the United Kingdom Delegation appreciate that the Committee is generally reluctant to authorise exports on an ad hoc basis unless the number of items is clearly specified in advance. However, the United Kingdom Delegation believe that, in the exceptional circumstances of this particular case, and subject to the special arrangements referred to, which would ensure that (after the export of spares to provide a working stock of 12 transmitter and 12 receiver Klystrons) no net addition was made to the number of Klystrons available to the East German authorities, the United Kingdom request is consistent with the Committee's general principles regarding servicing cases. (It may be noted that the same Klystrons required to service link equipment which was freed from embargo in 1958 could be exported under the agreed de minimis servicing procedure up to a value of 1,500 dollars without prior consultation in the Committee). If the Committee agrees to the United Kingdom proposal, all exports of Klystrons under these arrangements would be reported to the Committee in monthly statistics.

7. The United Kingdom Delegation would be grateful to have the views of Member Governments by November 30.

United Kingdom Delegation,  
Paris,  
November 12, 1959.

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